

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jul 23, 2015

Action Requested By: Engineering

Agenda Type: Resolution

Subject Matter:

Modification No. 8 to Agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to execute Modification No. 8 to the agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Utility Easement Acquisition for Church Street & Pratt Avenue Widening & Realignment, Phase I, State Project No. STPHV-4500(200) & City Project No. 65-01-RD05

02-462, 05-060, 08-34, 10-269, 10-697, 12-247, 12-964 & 13-237

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This modification is for the additional appraisal and review as required by the Alabama Department of Transportation for a total modification amount of \$21,630.00. Account No. 23-6500-0813-8178

Associated Cost: \$21,630.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: _____

Date: _____

Handwritten signature/initials

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: Engineering

Council Meeting Date: 7/23/2015

Department Contact: Lynn Majors

Phone # 256-427-5201

Contract or Agreement: Modification No. 8

Document Name: Johnson & Associates-Church Street Phase I STPHV-4500(200) & 65-01-RD05

City Obligation Amount: \$21,630.00

Total Project Budget: \$51,152,045.84

Uncommitted Account Balance: 0

Account Number: 23-6500-0813-8178 ✓

Procurement Agreements

<u>Not Applicable</u>	<u>Not Applicable</u>
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Grant-Funded Agreements

<u>Not Applicable</u>	Grant Name:
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Department	Signature	Date
1) Originating	<i>Kathryn Marti</i>	<i>7/20/15</i>
2) Legal	<i>Mary Cates</i>	<i>7/20/15</i>
3) Finance	<i>Paul</i>	<i>7/21/15</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

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Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

This modification with Johnson & Associates is for the additional appraisal and review services associated with Church Street Phase I acquisition as required by the Alabama Department of Transportation for a total modification amount of \$21,630.00. Account No. 23-6500-0813-8178

Associated Cost: \$21,630.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: Kathy Martin

Date: 7/20/15

RESOLUTION NO. 15-_____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized, in Huntsville, Alabama, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama to execute Modification No. 8 to the Agreement between the City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C., adopted and approved on the 13th day of June, 2002, by the City Council of the City of Huntsville, Alabama by Resolution No. 02-462, and amended on the 27th day of January, 2005, by Resolution No. 05-060, and amended on the 10th day of January, 2008, by Resolution No. 08-34, and amended on the 8th day of April, 2010, by Resolution No. 10-269, and amended on the 9th day of September, 2010, by Resolution No. 10-697, and amended on the 22nd day of March, 2012, by Resolution No. 12-247, and amended on the 1st day of November, 2012, by Resolution No. 12-964, and amended on the 28th day of March, 2013, by Resolution No. 13-237, as attached hereto.

BE IT FURTHER RESOLVED that the total contract amount be and hereby is modified from ONE MILLION ONE HUNDRED THIRTY THOUSAND FOUR HUNDRED FIFTEEN AND .84/100 DOLLARS to ONE MILLION ONE HUNDRED FIFTY-TWO THOUSAND FORTY-FIVE AND .84/100 DOLLARS (\$1,152,045.84), including this Modification No. 8, an increase of TWENTY-ONE THOUSAND SIX HUNDRED THIRTY AND NO/100 DOLLARS (\$21,630.00). Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 8 to Agreement between City of Huntsville and Johnson & Associates Consulting Engineers, L.L.C. for Utility Easement Acquisition for Church Street & Pratt Avenue Widening & Realignment, Phase I, State Project No. STHV-4500(200) & City Project No. 65-01-RD05, as adopted by Resolution No. 02-462 of June 13, 2002, and amended by Resolution No. 05-060 of January 27, 2005, and amended by Resolution No. 08-34 of January 10, 2008, and amended by Resolution No. 10-269 of April 8, 2010, and amended by Resolution No. 10-697 of September 9, 2010, and amended by Resolution No. 12-247 of March 22, 2012, and amended by Resolution No. 12-964 of November 1, 2012, and amended by Resolution No. 13-237 of March 28, 2013" consisting of a total of three (3) pages plus three (3) additional pages consisting of Attachment "A", and the date of July 23, 2015, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 23rd day of July, 2015.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 23rd day of July, 2015.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 8 to Agreement between
the City of Huntsville and Johnson &
Associates Consulting Engineers, L.L.C. for
Utility Easement Acquisition for Church
Street & Pratt Avenue Widening &
Realignment, Phase I, State Project No.
STPHV-4500(200) & City Project No. 65-
01-RD05, as adopted by Resolution No. 02-
462 of June 13, 2002, and amended by
Resolution No. 05-060 of January 27, 2005,
and amended by Resolution No. 08-34 of
January 10, 2008, and amended by
Resolution No. 10-269 of April 8, 2010, and
amended by Resolution No. 10-697 of
September 9, 2010, and amended by
Resolution No. 12-247 of March 22, 2012,
and amended by Resolution No. 12-964 of
November 1, 2012, and amended by
Resolution No. 13-237 of March 28, 2013

THIS IS MODIFICATION NO. 8 TO AN AGREEMENT entered in on the 13th day of June, 2002, in the amount of THREE HUNDRED SIXTY-SEVEN THOUSAND FIVE HUNDRED NINETY-ONE AND .84/100 DOLLARS (\$367,591.84), and amended on 27th day January, 2005, in the amount of TWO HUNDRED SIXTY-FOUR THOUSAND SEVEN HUNDRED SEVENTY AND NO/100 DOLLARS (\$264,770.00) for the revised contract amount of SIX HUNDRED THIRTY-TWO THOUSAND THREE HUNDRED SIXTY-ONE AND .84/100 DOLLARS (\$632,361.84), and amended on 10th day January, 2008, in the amount of TWO HUNDRED TWENTY-NINE THOUSAND SIXTY-FIVE AND NO/100 DOLLARS (\$229,065.00) for the revised contract amount of EIGHT HUNDRED SIXTY-ONE THOUSAND FOUR HUNDRED TWENTY-SIX AND .84/100 DOLLARS (\$861,426.84), and amended on 8th day April, 2010, in the amount of FIFTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-SIX AND NO/100 DOLLARS (\$57,476.00) for the revised contract amount of NINE HUNDRED EIGHTEEN THOUSAND NINE HUNDRED TWO AND .84/100 DOLLARS (\$918,902.84), and amended on 9th day September, 2010, in the amount of FORTY-EIGHT THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$48,200.00) for the revised contract amount of NINE HUNDRED SIXTY-SEVEN THOUSAND ONE HUNDRED TWO AND .84/100 DOLLARS (\$967,102.84), and amended on 22nd day March, 2012, in the

President of the City Council of the City of
Huntsville, AL
Date: July 23, 2015

amount of TWENTY-EIGHT THOUSAND THREE HUNDRED TWENTY-FIVE AND NO/100 DOLLARS (\$28,325.00) for the revised contract amount of NINE HUNDRED NINETY-FIVE THOUSAND FOUR HUNDRED TWENTY-SEVEN AND .84/100 DOLLARS (\$995,427.84), and amended on 1st day November, 2012, in the amount of TWENTY THOUSAND EIGHT HUNDRED FIFTY-THREE AND NO/100 DOLLARS (\$20,853.00) for the revised contract amount of ONE MILLION SIXTEEN THOUSAND TWO HUNDRED EIGHTY AND .84/100 DOLLARS (\$1,016,280.84), and amended on 28th day March, 2013, in the amount of ONE HUNDRED FOURTEEN THOUSAND ONE HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$114,135.00) for the revised contract amount of ONE MILLION ONE HUNDRED THIRTY THOUSAND FOUR HUNDRED FIFTEEN AND .84/100 DOLLARS (\$1,130,415.84), . The original Agreement is hereby amended by Modification No. 8 dated July 23, 2015, in the amount of TWENTY-ONE THOUSAND SIX HUNDRED THIRTY AND NO/100 DOLLARS (\$21,630.00), for a revised contract amount of ONE MILLION ONE HUNDRED FIFTY-TWO THOUSAND FORTY-FIVE AND .84/100 DOLLARS (\$1,152,045.84), by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and JOHNSON & ASSOCIATES CONSULTING ENGINEERS, L.L.C., (ENGINEER).

WITNESSETH

WHEREAS, the firm identified as the ENGINEER to the Agreement dated April 11, 2013, has proposed a change, identified as Attachment "A" to the Original Agreement. This modification delineates a change to .

WHEREAS, the Owner desires that the contract proposal be altered to be consistent with Attachment "A" hereto.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the ENGINEER agree to the following modifications to the agreement:

1. Johnson & Associates Consulting Engineers, L.L.C. will provide for additional appraisal and review as required by Alabama Department of Transportation at a lump sum amount of TWENTY-ONE THOUSAND SIX HUNDRED THIRTY AND NO/100 DOLLARS (\$21,630.00).
2. Item #1 shall be performed in accordance with the original agreement dated April 11, 2013, and approved by the City Council by Resolution No. 13-266, and as described in the letter from Nathan Johnson to Kathy Martin, dated July 9, 2015, shown as Attachment "A".
3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the ____ day of _____ 2015.

Notary Public
My Commission Expires: _____

ENGINEER: JOHNSON & ASSOCIATES
CONSULTING ENGINEERS, L.L.C.

By: _____

ATTEST:

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Nathan Johnson, as President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2015.

Notary Public
My Commission Expires: _____



July 9, 2015

Ms. Kathy Martin, P.E.
City Engineer
City of Huntsville
P. O. Box 308
Huntsville, AL 35801

ATTN: Ms. Kelly Davis

**RE: Supplemental #8
Project No. STPHV-4500(200)
Church Street Improvements Phase 1
City of Huntsville, AL
Madison County
Right-of-Way Acquisition Services
Tract 25 – Sherman Concrete**

Ms. Davis:

We are pleased to submit a supplemental proposal for Right-of-Way Acquisition services on the above referenced project. The following services are required to complete Right of Way acquisition in a timely manner and in accordance with federal and state guidelines. The following services will be needed:

Second Appraisal of Sherman Concrete (Tract 25)
Appraisal Review for Sherman Concrete (Tract 25)
Relocation of Sherman Concrete (If Necessary)

We have estimated the fees to be a lump sum of **\$21,630** to provide the above services. The fee proposal is based on the ALDOT approved Right-of-Way map Revision #7 dated 9/19/12. Attached, you will find a "Breakdown of Services" and corresponding lump sum fee for each required task associated with the acquisition process.

Wisener, LLC plans to enlist the services of Rick Pettey to perform the second appraisal for Sherman Concrete property. Mr. Pettey is an approved appraiser by ALDOT. Mr. Wisener will manage and coordinate the work executed for appraisals and appraisal reviews. Compensation for Mr. Pettey will be the sole responsibility of Wisener, LLC. The approved fees do not include a markup from Wisener, LLC to utilize subconsultants.

We plan to start work immediately following approval of a contract. Appraisals will be performed first and submitted to the reviewer as they are received. The reviewer will go through his review with the appraiser and once completed the appraisal and review will be



submitted to the City. Wisener, LLC will prepare the appropriate documents from the City to submit to ALDOT for review and approval. Upon receipt of the approved offers from ALDOT, Wisener, LLC will begin negotiations and relocations.

The fee does not include updating appraisals (for court or for time) or fees for expert testimony. Likewise, attorney fees are not included since the City will be utilizing the City's own attorney to handle all closings and title work. Fees to prepare a Right-of-Way map showing acquired deeds were not approved by ALDOT and are excluded from the proposal. A supplemental agreement will be required should any of our staff be needed for court work or appraisals for court.

Once again, we thank you for considering our services, and we look forward to working with yourself and the City to complete this project in an expeditious manner. Please let me know if you have any questions.

**Sincerely,
Johnson & Associates**

A handwritten signature in blue ink, appearing to read "Nathan G. Johnson".

Nathan G. Johnson, PE, PLS
Managing Member

Attachments: Breakdown of Services Project No. STPHV-4500(200)

Invoice from Wisener to Johnson & Associates, October 28, 2014



Breakdown of Services
Project No. STPHV-4500(200)
Church Street Improvements
City of Huntsville, AL
Madison County

- **Appraisals**

Tract 25 (Additional Fee First report) =	\$4,500
Tract 25 (Second Appraisal) (Rick Pettey) =	\$9,500
Subtotal =	<u>\$14,000</u>

- **Appraisal Reviews**

Tract 25(Additional Fee First Report) =	\$2,700
Tract 25 (Second Appraisal) =	\$3,900
Subtotal =	<u>\$6,600</u>

Sub-Consultant Total Services Estimate =	\$20,600
Subconsultant Administration (5%) =	\$1,030
Grand Total Services Estimate =	\$21,630